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DATE: December 20, 2004

To:

NAME	FAX NO.	PHONE NO.
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FROM: Enrique D. Longton **PHONE:** (202) 835-7525

RE: US Patent Application Serial No. 10/040,830

FILE NUMBER: 33677.00700US		
NUMBER OF PAGES, INCLUDING COVER:	19	ORIGINALS FOLLOW BY MAIL: NO

MESSAGE:

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Enrique Longton
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CONFIDENTIALITY NOTE:

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PTO/SB/21 (08-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	70/040,830	
	Filing Date	January 8, 2002	
	First Named Inventor	Gary E. Borodic	
	Art Unit	1645	
	Examiner Name	Vanessa L. Ford	
Total Number of Pages in This Submission	19	Attorney Docket Number	33677.00700

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Credit Card Authorization Form 2. Petition for Extension of Time 3. Courtesy copy of IDS and PTO Form 1449, Filed May 25, 2004 4. Notice of Appeal		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Milbank, Tweed, Hadley & McCloy LLP		
Signature	<i>Enrique Longton</i>		
Printed name	Enrique D. Longton		
Date	December 20, 2004	Reg. No.	47,304

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Signature	<i>Enrique Longton</i>
Typed or printed name	Enrique D. Longton
Date	December 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **620.00**

Complete if Known

Application Number 10/040,830
Filing Date January 8, 2002
First Named Inventor Gary E. Borodic
Examiner Name Vanessa L. Ford
Art Unit 1645
Attorney Docket No. 33677.00700US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☐ Deposit Account Deposit Account Number: 13-3250 Deposit Account Name: 33677.00700US

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims Extra Claims Fee (\$)

- 20 or HP = x Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): One Month Extension of Time (\$120), Notice of Appeal (\$500)

Fees Paid (\$)

\$620.00

SUBMITTED BY

Signature *Enrique Longton* Registration No. 47,304 Telephone (202) 835-7525
Name (Print/Type) Enrique D. Longton (Attorney/Agent)
Date December 20, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Application Serial No. 10/040,830
Attorney Docket No.: 33677-00700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary E. BORODIC *et al.*


Application Serial No.: 10/040,830

Filed: January 8, 2002

Title: *The Use of Botulinum Toxin For The
Treatment of Chronic Facial Pain*

Group Art Unit: 1645

Examiner: Vanessa L. Ford

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Enrique Longton
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Commissioner for Patents
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AMENDMENT AFTER FINAL UNDER 37 C.F.R. § 1.116

In reply to the Office Action mailed September 2, 2004, applicants submit the following Amendment and Response after Final with a petition for a one-month extension of time and the required fee. This Amendment and Response is being timely filed before the expiration of the time period for reply, which falls on January 2, 2005. Entry of the following Amendment and Response is respectfully requested.